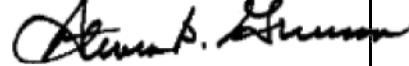


**EXHIBIT A  
COMPLAINT**

1 **COMP**

2 Law Office of Mary F. Chapman, Ltd.  
3 Mary F. Chapman, Esq.  
4 Nevada Bar No. 6591  
5 8440 W. Lake Mead Blvd.  
6 Suite 203  
7 Las Vegas, Nevada 89128  
8 (702) 202-4223  
9 (702) 202-2003  
10 maryf.chapman@juno.com  
11 Attorney for Plaintiff

CASE NO: A-21-831863-C  
Department 14

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 Sarah Latham, )  
10 Plaintiff, ) Case No.  
11 vs. ) Dept.  
12 Wellpath, LLC fka Correct Care) JURY TRIAL DEMANDED  
13 Solutions, LLC, a Foreign )  
14 Limited Liability Company, )  
15 licensed to do business in )  
Nevada, )  
Defendant. )  
16 \_\_\_\_\_)

**COMPLAINT**

17 Plaintiff, Sarah Latham (hereafter "Plaintiff" or "Latham"),  
18 by and through her attorney, the Law Office of Mary F. Chapman,  
19 Ltd., hereby alleges and complains as follows:

20 **VENUE AND JURISDICTION**

21 1. This action is being brought pursuant to the common law  
22 of the State of Nevada as defined by the Nevada Supreme Court in  
23 Hansen v. Harrahs, 100 Nev. 60 (1984), tortuous discharge for  
24 filing a workers compensation claim.

25 2. Additionally, Ms. Latham alleges a violation of the  
26 Family Medical Leave Act (hereafter "FMLA"), as amended, 29  
27 U.S.C. 2601, et seq.

28 / / /

1       3. The conduct and employment issues alleged herein  
2 occurred in County of Clark, Nevada.

3       4. Ms. Latham is seeking damages in excess of ten thousand  
4 dollars (\$10,000.00).

5       5. Accordingly, venue and jurisdiction are properly  
6 established with this Court.

## **GENERAL ALLEGATION**

8       6. Ms. Latham hereby repeats, re-alleges, and  
9 incorporates by reference paragraphs 1-5 contained above as  
10 though fully set forth herein.

11       7. Ms. Latham was employed as a registered nurse ("RN") by  
12 Defendant Wellpath from on or about July 28, 2017, until her  
13 wrongful termination on April 4, 2019.

14       8. Based upon information and belief, Wellpath, LLC was  
15 originally called Corrective Care Solutions, LLC. Based upon  
16 information and belief, on or about November 2018, Corrective  
17 Care Solutions and Corrective Medical Group of California merged  
18 to thereafter be known as Wellpath, LLC.

19       9. Based upon information and belief, Wellpath at all  
20 relevant times herein conducted business in Clark County, Nevada  
21 at 3300 Stewart Ave., Las Vegas, NV.

22        10. Based upon information and belief, Wellpath during all  
23 relevant times employed in excess for 50 people during the 20  
24 calender weeks in the current or preceding year of the alleged  
25 FMLA violation.

26 | / / /

27 | / / /

1       11. Ms. Latham suffers from a serious health condition. On  
2 or about November 20, 2018, Ms. Latham made a request for FMLA  
3 leave in accordance with Defendant's policy.

4       12. On or about November 26, 2018, Defendant advised Ms.  
5 Latham via letter that approval of her FMLA request was pending  
6 certification and completion of the required FMLA paper work.

7       13. On or about December 7, 2018, Ms. Latham provided the  
8 proper FMLA paper work to Defendant.

9       14. On or about January 30, 2019, Defendant notified Ms.  
10 Latham her FMLA leave was approved from December 10, 2018 to May  
11 20, 2019, but denied from November 20, 2018 to December 9, 2018.

12       15. Defendant's leave denial on January 30, 2019, directly  
13 violated the 5 business day notice required by the FMLA.

14       16. On or about January 10, 2019, Ms. Latham was subjected  
15 to retaliatory discipline for utilizing her FMLA leave.

16       17. On or about February 12, 2019, Ms. Latham was injured  
17 at work and placed on light duty.

18       18. Ms. Latham was subjected to retaliatory discipline as a  
19 result of her having filed her workers compensation claim that  
20 resulted in her being placed on light duty.

21       19. On or about March 6, 2019, Defendant continued  
22 violating Ms. Latham's rights by placing her on a performance  
23 improvement plan (PIP) wherein the alleged deficiencies were  
24 directly related to her limitations caused by her work place  
25 injury and serious medical condition.

26 / / /

27 / / /

28

1       20. On or about March 22, 2019, Ms. Latham filed an  
2 administrative complaint with the U.S. Department of Labor  
3 alleging Defendant had violated her rights under the FMLA.

4        21. On or about April 2, 2019, Ms. Latham was again  
5 subjected to retaliatory disciplinary action.

6       22. After completing an investigation, the U.S. Department  
7 of Labor determined Defendant had violated Ms. Latham's FMLA  
8 rights.

9       23. Ms. Latham has an NERC/EEOC discrimination charge  
10 pending alleging violations of the ADA and NRS §613.330. The ADA  
11 and NRS §613.330 claims are not included at this time due to the  
12 administrative process not being completed.

## FIRST CAUSE OF ACTION

14                   WRONGFUL TERMINATION FOR FILING A WORKERS' COMPENSATION CLAIM IN  
15                   VIOLATION OF NEVADA'S PUBLIC POLICY

16        24. Ms. Latham hereby repeats, re-alleges, and  
17 incorporates by reference paragraphs 1-24 contained above as  
18 though fully set forth herein.

19 25. Defendant is an employer as defined Nevada law.

20        26. On or about on February 12, 2019, Ms. Latham was  
21 injured at work. Due to her sustained injury, Ms. Latham was  
22 placed on light duty with defined medical restrictions prescribed  
23 by the workers compensation doctor.

24 / / /

25 | / / /

26 | / / /

27 | / / /

1       27. Ms. Latham filed a workers' compensation claim because  
2 of her injuries, and followed the proper procedures pursuing her  
3 workers compensation claim. Ms. Latham's actions included, but  
4 were not limited to, adhering to the medical advise and  
5 restrictions placed upon her by the workers compensation doctor.

6       28. Ms. Latham was subjected to retaliatory discipline when  
7 she was issued discipline because she adhered to the medical  
8 restrictions placed upon her instead of performing all of her  
9 pre-injury job functions.

10      29. On March 7, 2019, Ms. Latham was placed on a  
11 performance improvement plan and advised she needed to improve  
12 her performance and increase her productively among other things.  
13 However, at the time Ms. Latham could not fulfill these requests  
14 as she was on light duty due to her workers' compensation injury  
15 and not working in her regularly assigned area.

16      30. While still recovering from her injuries, and prior to  
17 reaching maximum medical improvement, Ms. Latham was terminated  
18 from her position by Defendant.

19      31. Based upon information and belief, Defendant in whole  
20 or in part terminated Ms. Latham's employment in retaliation for  
21 her filing of a workers' compensation claim in violation of  
22 Nevada law.

23      32. Defendant's actions were done intentionally with malice  
24 and forethought knowing they would inflict undue injury upon Ms.  
25 Latham. Accordingly, Ms. Latham is legally entitled to receive  
26 punitive damages.

27 / / /

28

## **SECOND CAUSE OF ACTION**

## **VIOULATION OF THE FAMILY MEDICAL LEAVE ACT**

3       33. Ms. Latham hereby repeats, re-alleges, and  
4 incorporates by reference paragraphs 1-32 contained above as  
5 though fully set forth herein.

6           34. On or about November 20, 2018, Ms. Latham made a  
7 request for FMLA leave in accordance with Defendant's policy.

8       35. It is undisputed that Ms. Latham suffered from a  
9 serious health condition qualifying her for FMLA leave.

10       36. On or about December 7, 2018, Ms. Latham provided the  
11 proper FMLA paper work signed by her doctor to Defendant.

12       37. On or about January 30, 2019, Defendant notified Ms.  
13 Latham her FMLA leave was approved from December 10, 2018 to May  
14 20, 2019, but denied from November 20, 2018 to December 9, 2018.

15       38. Defendant's leave denial on January 30, 2019, directly  
16 violated the 5 business day notice required by the FMLA thereby  
17 violating Ms. Latham's FMLA rights.

18       39. On or about January 10, 2019, Rachel Rehm threatened to  
19 write Ms. Latham up for insubordination when she had advised that  
20 she could not stay after her shift due to not feeling well. Ms.  
21 Latham specifically told Ms. Rehm that her inability to stay  
22 after shift was directly related to her existing medical  
23 condition for which she had been granted FMLA coverage.

24       40. Based upon information and belief, Ms. Latham was  
25 terminated from her position because she exercised her rights to  
26 leave and work restrictions pursuant to the FMLA.

27 | / / /

41. Ms. Latham suffered lost wages and lost benefits in  
excess of ten thousand dollars.

3 42. Ms. Latham has a statutory right to liquidated damages.

4           43. Ms. Latham has a statutory right to recover all  
5 attorney's fees and costs.

### **THIRD CAUSE OF ACTION**

## **NEGLIGENCE TRAINING AND SUPERVISION**

8       44. Ms. Latham hereby repeats, re-alleges, and incorporates  
9 by reference paragraphs 1-43 contained above as though fully set  
10 forth herein.

11       45. Based upon information and belief, Defendant failed to  
12 properly train and supervise Rachel Rehm, the newly appointed  
13 Director of Nursing.

14       46. As a result of Defendant's failure to properly train  
15 and supervise Ms. Rehm, Defendant allowed Ms. Rehm the ability to  
16 violate Ms. Latham's rights by allowing Ms. Rehm to engage in  
17 harassing discipline, denial of FMLA leave and ultimately  
18 terminating Ms. Latham based in whole or in part on the illegal  
19 discipline issued by Ms. Rehm in direct violation of Ms. Latham's  
20 right under the FMLA.

21       47. As a result of Defendant's failure to properly train  
22 and supervise Ms. Rehm, Defendant allowed Ms. Rehm the ability to  
23 violate Ms. Latham's protected workers compensation right by  
24 allowing Ms. Rehm to engage in retaliation against Ms. Latham for  
25 filing a workers compensation claim and thereafter following  
26 restrictions placed upon her by the workers compensation doctor.

27 | / / /

1       48. As a result of Defendant's failure to properly train  
2 and supervise Ms. Rehm, Defendant allowed Ms. Rehm the ability to  
3 violate Ms. Latham's rights protected by the ADA by allowing Ms.  
4 Rehm to engage in harassing discipline, denial of reasonable  
5 accommodation and ultimately terminating Ms. Latham based in  
6 whole or in part on the illegal discipline issued by Ms. Rehm in  
7 direct violation of Ms. Latham's right under the ADA.

8       49. As a result of Defendant's failure to properly train  
9 and supervise Ms. Rehm, Ms. Rehm terminated Ms. Latham's  
10 employment in whole or in part in retaliation for her filing her  
11 workers compensation claim, and thereafter insisting the  
12 restrictions she was placed on by the workers compensation doctor  
13 be followed.

14       50. As a result of Defendant's failure to properly train  
15 and supervise Ms. Rehm, Ms. Rehm violated Ms. Latham's privacy  
16 and confidentiality by publically posting training requirements  
17 Ms. Latham was being ordered to complete.

18       51. As a result of Defendant's failure to properly train  
19 and supervise Ms. Rehm, on or about January 15, 2019, Ms. Rehm  
20 violated Ms. Latham's privacy and confidentiality by discussing  
21 needed training and the threat of discipline if Ms. Rehm's  
22 mandate was not followed with a charge nurse who is not a member  
23 of administration, and had no "need to know" such confidential  
24 information.

25 / / /

26 / / /

27 / / /

28

1       52. As a result of Defendant's failure to properly train  
2 and supervise Ms. Rehm, Ms. Rehm, who lacked personal knowledge,  
3 improperly reworded Ms. Latham's completed C-1 form, that  
4 reported Ms. Latham's on the job injury, when she typed the form.  
5 Ms. Rehm unlawfully included information about Ms. Latham's FMLA  
6 status on the C-1 form that she had altered.

7       53. As a result of Defendant's failure to properly train  
8 and supervise Ms. Rehm, Ms. Rehm in furtherance of her harassment  
9 and retaliation violated Ms. Latham's privacy and confidentiality  
10 by communication with Ms. Latham's co-workers about Ms. Latham's  
11 job duties and performance.

12       54. Defendant had a duty to properly train and supervise  
13 the newly appointed Director of Nursing.

14       55. Defendant knew or should have known that Ms. Rehm would  
15 need to be trained and supervised in areas including, but not  
16 limited to, privacy of employee personnel records, privacy of  
17 employee medical records, workers compensation rights, FMLA  
18 leave, FMLA rights, ADA reasonable accomodations, ADA rights, and  
19 confidentiality of employee discipline.

20       56. As a proximate cause of Defendant's negligence Ms.  
21 Latham suffered lost wages and lost benefits in excess of ten  
22 thousand dollars.

23       57. As a proximate cause of Defendant's negligence Ms.  
24 Latham has suffered foreseeable consequential damages after her  
25 wrongful termination.

26 / / /

27 / / /

28

1       58. As a proximate cause of Defendant's negligence Ms.  
2 Latham suffered damages per se due to the violation of her  
3 rights.

4       59. As a result of Defendant's negligence, Plaintiff is  
5 entitled to punitive damages.

6 60. As a result of Defendant's negligence, Plaintiff is  
7 entitled to special damages in the form of attorney's fees.

8 WHEREFORE, Ms. Latham prays for judgment against Defendant  
9 as follows:

10       1. For compensatory damages in an amount in excess of  
11                   \$10,000.00;

12       2. For consequential damages in an amount in excess of  
13                   \$10,000.00;

14       3. For punitive damages in excess of \$10,000.00;

15       4. Reinstatement or in the alternative front pay;

16       5. For all attorney's fees and costs incurred herein; and

17       6. For such other relief as the Court may deem just and  
18                   proper.

19 | DATED this 26th day of March, 2021.

Respectfully submitted,  
Law Office of Mary F. Chapman, Ltd.

/S/ Mary F. Chapman, Esq. #6591  
Mary F. Chapman, Esq.  
8440 W. Lake Mead Blvd., Ste. 203  
Las Vegas, Nevada 89128